

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE GAS)	
AND ELECTRIC COMPANY FOR AN)	CASE NO.
ADJUSTMENT OF ITS ELECTRIC AND GAS)	2016-00371
RATES AND FOR CERTIFICATES OF PUBLIC)	
CONVENIENCE AND NECESSITY)	

ORDER

This matter arises from a motion requesting confidential treatment, pursuant to KRS 61.878(1)(c) and 807 KAR 5:001, Section 13, filed by the United States Department of Defense and all other federal executive agencies (jointly DOD/FEA) on March 31, 2017.

In its motion, DOD/FEA requests confidential treatment for an indefinite period for information contained in its response to Commission Staff's Request for Information, Item 8, and in responses to Louisville Gas and Electric Company's Request for Information, Items 4, 5, and 6. DOD/FEA points out that the information contained in the discovery responses consist of Christopher C. Walker's, DOD/FEA's consultant, workpapers that are comprised of confidential and proprietary information provided by certain financial research firms to Mr. Walker. DOD/FEA states that the information sought to be kept confidential are provided by the commercial research firms through subscription services and are not readily available to the public with a subscription. DOD/FEA further states that disclosure of this information would harm DOD/FEA's ability to obtain experts in the future by discouraging experts from fully and candidly assisting DOD/FEA due to confidentiality concerns.

Having carefully considered the petition and the materials at issue, the Commission finds that the materials for which DOD/FEA seeks confidential treatment meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13. The Commission further finds that the materials for which DOD/FEA seeks confidential treatment should not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.

IT IS THEREFORE ORDERED that:

1. DOD/FEA's March 31, 2017 motion for confidential treatment is granted.
2. The designated materials for which DOD/FEA seeks confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period or until further Orders of this Commission.
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. DOD/FEA shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, then DOD/FEA shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If DOD/FEA is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow DOD/FEA to seek a remedy afforded by law.

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By the Commission

ENTERED
FEB 18 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2016-00371

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